

**ORIGINAL**

1  
2 KEITH ARNOLD (Representing Self)  
3 BAR NUMBER N/A  
4 2120 Sun Avenue, #E  
5 Las Vegas, Nevada 89030  
6 (702) 300-3506

7 FILED RECEIVED  
8 FEB 20 2007 10:09 AM  
9 CLERK, U.S. DISTRICT COURT  
10 LAS VEGAS, NEVADA

11 2007 MAR 20 P 12:09

12 CLERK, U.S. DISTRICT COURT  
13 LAS VEGAS, NEVADA

14 CLERK, U.S. DISTRICT COURT  
15 LAS VEGAS, NEVADA

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
KEITH ARNOLD, )  
Plaintiff, )  
VS )  
AMERICAN CASINO & ) CASE NO. 2:07-CV-249-LDG  
ENTERTAINMENT, )  
Subsidiary FRESCO LLC dba )  
ARIZONA CHARLIE'S )  
BOULDER, a Nevada Corporation )  
Defendant )

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**COMPLAINT ON STATE AND**  
**FEDERAL CIVIL RIGHTS VIOLATIONS**  
(NRS 613.330) and (42 Section 2000 e.)

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
COMES NOW, Keith Arnold, Plaintiff, and for his complaint alleges,  
states, and complains as follows:

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**I. JURISDICTION**

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Case was moved out of the jurisdiction of the State District Court, filed Nov. 9,  
2006 and removed to the United States District Court on February 27, 2007,

**ORIGINAL**

1 but was proper in District Court as well as Federal because this case involved the  
 2 state question of civil rights violation (NRS 613.330) which was a state jurisdiction as  
 3 much as it was Federal.. It is not the case that state court is subordinate to federal courts,  
 4 rather, they are more accurately analyzed as two sets of two parallel courts with  
 5 concurrent and overlapping jurisdiction.

7

8

9 **II. PARTIES & VENUE**

10 1. Plaintiff, Keith Arnold, is an individual competent adult residing within  
 11 the state of Nevada and within the venue of this Court.

12 2. Defendant, American Casino & Entertainment, Fresco, LLC d/b/a Arizona  
 13 Charlie's Boulder, is a corporation whose principal place of business activities involving  
 14 The issues of this case were within the State of Nevada, and within the venue of this  
 15 Court at the time the allegations in this complaint took place.

16 3. Plaintiff at this time, accepts the discretion of the Honorable Judge Lloyd D.  
 17 George in relation to the venue.

18 **III. RIGHT TO SUE**

21 Plaintiff has obtained a right to sue letter from the U.S. Equal Employment  
 22 Opportunity Commission on August 24, 2006, and commencement of this suit was  
 23 within the 90 day time limit thereof.

24 **IV. FIRST CAUSE OF ACTION:**

25 **RACIAL DISCRIMINATION AND HARASSMENT**

27 1. On or about the time between the dates of 09/20/05 and 10/27/05, Defendant

**ORIGINAL**

1 exhibited a racial derogatory remark and confrontational behaviors, and acts against  
2 Keith Arnold regarding his race being Afro-American, through its employees on several  
3 occasions (as detailed in the attached supporting facts). These occasions included  
4 times while Mr. Arnold was working. Mr. Arnold also experienced different terms and  
5 conditions. Mr. Arnold was subjected to threatening gestures and other types of  
6 confrontational behaviors designed to intimidate, cause fear, humiliation and mental  
7 anguish. It was also designed to elicit and provoke a response to cause his employment to  
8 be terminated and in fact said behaviors did cause those intended damages.

9  
10 2. Defendant had knowledge of verbal altercations and reported behaviors and took  
11 minimal action to stop the employees responsible for said harassment and discrimination  
12 and in fact, did not control its employees said behaviors, telling Plaintiff that it was  
13 because he was the “new kid on the block” (green horn explanation).

14  
15 3. After Mr. Arnold reported the behaviors to management; in retaliation, the  
16 harassment not only continued, but also escalated into generalized defaming and other  
17 confrontational verbal behavior. (Contrary to the commitment standards of the  
18 defendants Employee Handbook against harassment and discrimination.)

19  
20 4. During the six weeks in one of the incidents involving Mr. Arnold and co-worker,  
21 Robert Benavente, Mr. Benavente not only challenged Mr. Arnold to a “gun fight”, but  
22 also tried to get Mr. Arnold to commit a safety violation. He continued to intimidate  
23 which led to a verbal altercation and ultimately, caused Mr. Arnold’s termination.

24  
25 (Against the defendants employee hand book policy)

**ORIGINAL**

1 5. Jennifer Roberts, Human Resource Specialist did not make a determination as  
2 to who started the confrontation or why the confrontation took place, nor did she establish  
3  
4 who was at fault for the misconduct in connection with the situation, but instead told  
5 both employees to go home for the day. Mr. Arnold complied with her instructions;  
6 however, Mr. Benavente was insubordinate by remaining on the premises, and sat writing  
7 at the supervisor's desk.  
8

9 6. Finally, Mr. Arnold was discriminately terminated from his employment as a  
10 direct result of Robert Benavente's initiating a confrontation in further violation of  
11 Mr. Arnold Civil Rights. The human resource specialist's decision to terminate was with  
12 reckless indifference to protected rights and the deliberateness and culpability of her  
13 action together with the employees' actions were flagrantly in violation.  
14  
15

16 **V. SECOND CAUSE OF ACTION:**

17 **TORT DAMAGES: ANGUISH AND STRESS**

18 1. The post impact of the termination caused severe mental and emotional anguish,  
19 as Mr. Arnold tried to seek a remedy and justice from the American Casino Entertainment  
20 Company, Fresco LLC, dba Arizona Charlie's Boulder for the Civil Rights Violations.  
21  
22 2. Mr. Arnold has not slept well since the date of termination, struggled to pay his living  
23 expenses and debts for many months with his weekly unemployment benefit checks.  
24 Mr. Arnold can not afford the costs for a hernia operation and other medical problems.  
25  
26 3. Mr. Arnold is emotionally stressed and experienced frustration as a result of post  
27 termination activity related to this case. MR. Arnold's disposition and or attitude  
28 has been impacted , as a result of the unlawful injustice.

**ORIGINAL**

1  
2  
3 **VI. THIRD CAUSE OF ACTION:**

4 **PUNITIVE DAMAGES: FLAGRANT DISREGARD OF PROTECTED RIGHTS**

5 1. To prevent future indifference and disregard to State and Federal Civil Rights Law.

6 2. To prevent future discriminatory terminations which were unequally applied;

7 disciplinary action for a reported inappropriate conduct and behavior, which led to  
8 an unlawful termination.

9 3. To emphasize harassment and/or race segregation of a position by such means, is

10 illegal and will not be tolerated for any reason in the United States of America.

11  
12  
13  
14  
15 WHEREFORE, Mr. Arnold prays for judgment against Defendant as follows:

16 1. Discrimination and Harassment (Statutory Damages) in the amount of \$300,000.

17 2. Tort Damages (All related Anguish and Stress Impact) in the amount of \$300,000.

18 3. Punitive Damages ( For deliberate, malicious, intent, and disregard for

19 State and Federal Civil Rights Laws ) in the amount of \$10,000,000.

20  
21 4. Compensation for loss of employee medical benefits necessary for a hernia surgery  
22 and other medical problems by proof.

23  
24 

25 Signature

26 Keith Arnold (Representing Self)

27 Bar No. N/A

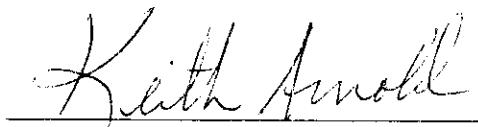
28 2120 Sun Avenue, Unit #E

Las Vegas, Nevada 89103

(702) 300-3506

**ORIGINAL**

I, Keith Arnold, Plaintiff, declare under penalty of perjury under  
the laws of the United States that the foregoing complaint is true and correct .



Keith Arnold

Date of Submission to State Court, October 24, 2006

Date of Current Submission to Federal Court, March 20, 2006